



UNITED STATES PATENT AND TRADEMARK OFFICE

A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,453	11/17/2000	James M. Dunn	6169-134	5681

40987 7590 08/12/2005

AKERMAN SENTERFITT
P. O. BOX 3188
WEST PALM BEACH, FL 33402-3188

EXAMINER

ZHONG, CHAD

ART UNIT	PAPER NUMBER
----------	--------------

2152

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/715,453

Applicant(s)

DUNN ET AL.

Examiner

Chad Zhong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 32-52 is/are pending in the application.
- 4a) Of the above claim(s) 27-31 and 53-58 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 and 32-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

PD

Art Unit: 2152

FINAL ACTION

1. This action is responsive to communications: Amendment, filed on 04/18/2005. This action has been made final.

Claims 1-26, 32-52 are presented for examination, and claims 27-31 and 53-58 are withdrawn from consideration in the amendment, filed on 04/18/2005:

Claims 1, 3, 5, 6, 7, 14-17, 22-24, 32, 34, 36-38, 45, 47 are amended.

Claims 2, 4, 8-13, 18-21, 25-26, 33, 35, 39-44, 46, 48-52 are previously presented.

Claim Rejections - 35 USC § 112, second paragraph

2. Claims 1, 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The claim language in the following claims is not clearly understood:

i. As per claim 1, line 5, it is not clearly understood what is meant by “responsive storing”, the grammatical error needs to be corrected.

ii. As per claim 32, line 8 it is not clearly understood what is meant by “responsive storing”, the grammatical error needs to be corrected.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title before the invention thereof by the applicant for patent.

4. Claims 1, 2, 7, 14-20, 22, 32-33, 38, and 45-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferguson, US 2002/0178232.

5. As per claims 1 and 32, Ferguson teaches a hypermedia content presentation method comprising:
presenting hypermedia content, said hypermedia content containing hyperlinks to additional hypermedia content (abstract, [0006], wherein the hypermedia contents are presented in web browsers);
receiving a user selection of at least one of said hyperlinks ([0006], user select links by drag and drop);
responsive storing user selected ones of said hyperlinks in a delayed viewing list ([0006], the Q-links list is the delayed viewing list); and
caching hypermedia content associated with said stored hyperlinks during said presenting step ([0006], wherein the associated web contents such as various documents are cached locally);
wherein the hypermedia content is presented to a user during said receiving, storing, and caching steps (see for example, [0006], wherein these processes occur in the background and does not interfere with other processes).
6. As per claims 2 and 33, Ferguson teaches reconfiguring said stored hyperlinks to point to said cached hypermedia content (this is inherent, as cache get filled up with content retrieved prior to viewing, the link that is to be activated by the client would then be pointing to the cache for efficient retrieval, this is suggested in [0006]).
7. As per claims 7 and 38, Ferguson teaches said caching step comprises caching hypermedia content in a local cache communicatively linked to said content browser ([0006]) and disposed within a client executing the content browser ([0006]).
8. As per claim 19 and 50, Ferguson teaches method of claims 1 and 32 respectively, further comprising:

Art Unit: 2152

selecting hyperlinks in said delayed viewing list ([0006]); and,
adding said selected hyperlinks to a list of bookmarks in a content browser ([0206]).

9. As per claim 22, Ferguson teaches a hypermedia content presentation system comprising:

a content browser for presenting hypermedia content to a user ([0006]);

a means for the user to select at least one hyperlink from within the content browser while the hypermedia content is displayed to the user ([0006], drag and drop the links);

a content cache for storing further hypermedia content related to said hypermedia content presented in said content browser ([0006], wherein the caching of contents is done locally, additionally, the browsers inherently has a browser cache storing hypermedia contents, webpages are downloaded via HTTP servers to the local browser wherein the Webpage is temporarily stored in the browser cache for local viewing of the webpage contents);

a delayed viewing list for storing hyperlinks to said further hypermedia content in said content cache, said hyperlinks contained in said hypermedia content presented in said content browser, wherein said delayed viewing list is dynamically created responsive to user selections of hyperlinks that have been presented within the content browser (abstract, [0006], based upon user selection of hyperlinks, further contents are downloaded in the background, and the list of links are stored as the Q-Links); and

a delayed viewing list manager ([0171], the drag and drop manager);

said delayed viewing list manager downloading said further hypermedia content to said content cache during said presentation of said hypermedia content in said content browser without a view currently presented in the content browser from being relinquished ([0171-0172], table 10, wherein the processes do not interfere with other processes as they are accomplished as part of the background processes).

10. As per claims 14 and 45, Ferguson teach said storing step further comprises:

Art Unit: 2152

associating expiration data with each hyperlink in said delayed viewing list ([0167], expiration data is the oldest data file);

purging hyperlinks from said delayed viewing list based on said expiration data ([0167], oldest link gets deleted first).

11. As per claim 16, and 47 Ferguson teaches manually managing selected hyperlinks in said delayed viewing list ([0167]).

12. As per claims 18 and 49, Ferguson teaches the method of claims 1 and 32 respectively, further comprising:

selecting hyperlinks in said delayed viewing list ([0006]); and

presenting cached hypermedia content associated with said selected hyperlink ([0006], wherein the cached local contents are displayed to the user).

13. As per claims 20, 51, Ferguson teaches further comprising manually managing said cached hypermedia content ([0167]).

14. As per claims 15, 17, 46, 48 are rejected for the same reasons as rejection to claim 14 above.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 5, 6, 8, 21, 24, 25, 36, 37, 39, and 52 are rejected under 35 U.S.C. 103(a) as being

Art Unit: 2152

unpatentable over Ferguson, US 2002/0178232, in view of Mighdoll et al. (hereinafter Mighdoll), US 5,918,013.

17. As per claim 5 and 36, Ferguson teaches the method of claim 1, wherein said content is presented in an uninterrupted manner during said receiving, storing, and caching steps (see for example, [0006], wherein these processes occur in the background and does not interfere with other processes occurring in the system. Furthermore, it should be noted that even multimedia contents, files/videos are still files that's being transferred from point A to point B).

Ferguson does not explicitly teach:

Displaying audiovisual television content combined with hypermedia content in a television set, said audio visual content comprising a video stream, wherein said video stream is presented in an uninterrupted manner during said receiving storing and caching steps.

In a similar system, Mighdoll teaches wherein said presenting step comprises displaying audiovisual television content combined with hypermedia content in a television set (Col. 4, lines 15-25).

It would have been obvious to the person of ordinary skill in the art at the time of the invention to combine teachings of Ferguson and Mighdoll because ability to present audio visual signals of television with hypermedia contents as taught by Mighdoll would result in expanding the computing capabilities from a computer to form of a television system.

18. As per claims 8 and 39, Ferguson teaches said caching step comprises:

evaluating available system resources ([0175]); and

Ferguson does not explicitly teach:

based upon said evaluation, caching said further hypermedia content in a proxy cache where downloading said further hypermedia content to a local cache can constrain local resources

In a similar system, Mighdoll teaches the concept of a system evaluating local server system resources

and if the server system becomes overloaded, bypass onto other server/proxy systems to alleviate the burden on the current server system (Col. 13, lines 46-60, wherein the local resources are limited, and proxy cache is to cache as much information as it can handle to alleviate the load on the local client).

It would have been obvious to the person of ordinary skill in the art at the time of the invention to combine teachings of Ferguson and Mighdoll because Mighdoll's ability to evaluates system resources and in event of the current system becomes overloaded, bypass onto other systems to alleviate the burden on the current system, would result in enhancing the cache's load balancing capability in Ferguson's system.

19. As per claims 6 and 37, Ferguson does not explicitly teach the method of claims 1 and 32 respectively, wherein said caching step comprises caching hypermedia content in a server remotely located from and communicatively linked to said content browser.

In a similar system, Mighdoll teaches the concept of hypermedia content cached in a server remotely located from and communicatively linked to said content browser (Col. 13, lines 46-60, wherein the local resources are limited, and proxy cache is to cache as much information as it can handle to alleviate the load on the local client). It would have been obvious to the person of ordinary skill in the art at the time of the invention to combine teachings of Ferguson and Mighdoll because Mighdoll's ability to cache content in a server remotely located from and communicatively linked to said content browser, would result in enhancing the cache's load balancing capability and maintaining additional storage in Ferguson's system.

20. As per claims 21 and 52, Ferguson does not explicitly teach the method of claim 1, wherein said caching step comprises:

determining if a selected hyperlink is associated with hypermedia content having a limited lifetime
if it is determined that a selected hyperlink is associated with hypermedia content having a limited

Art Unit: 2152

lifetime, identifying further hypermedia content necessary for viewing said hypermedia content having a limited lifetime, and downloading said hypermedia content having a limited lifetime and said necessary further hypermedia content.

In a similar system, Mighdoll teaches the concept of web documents having limited lifetime and updating these contents periodically in order to keep most up-to-date version of the web documents (Col. 11, line 50 – Col. 12, line 25). It would have been obvious to the person of ordinary skill in the art at the time of the invention to combine teachings of Ferguson and Mighdoll because ability to identify web documents having limited lifetime and updating these contents periodically of Mighdoll would result in enhancing the content versions of Ferguson.

20. As per claim 24, the claim is rejected for the same reasons as rejection to claim 5 above.

21. As per claim 25, Ferguson does not explicitly teach the hypermedia content presentation system of claim 22, wherein said content cache is a proxy cache communicatively linked to said content browser. In a similar system, Mighdoll teaches the concept of a content cache is a proxy cache communicatively linked to said content browser see for example Col. 13, lines 46-60. It would have been obvious to the person of ordinary skill in this art at the time of invention was made to combine the teaching of Ferguson and Mighdoll because the teaching of Mighdoll which allows proxy cache to be linked to the browser would improve the resource management for Ferguson's system by allowing a manager to keep track of availability of finite resource available on the cache and further utilizing a remote cache for storage purposes.

22. Claims 9, 26, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson, US 2002/0178232, in view of Spilo (hereinafter Spilo), US 6,601,091.

23. As per claims 9 and 40, Ferguson teaches said caching step comprises:

Art Unit: 2152

evaluating available system resources [0175]; and,

Ferguson does not explicitly teach:

based upon said evaluation, downloading said hypermedia content associated with said stored hyperlinks to a hypermedia content cache when said system resources are available, and delaying said downloading when said system resources are constrained.

In a similar system, Spilo teaches the concept of evaluating available system resources (Col. 5, lines 47-55); and based upon said evaluation, downloading said hypermedia content associated with said stored hyperlinks to a hypermedia content cache when said system resources are available, and delaying said downloading when said system resources are constrained (Col. 5, lines 50-55). It would have been obvious to the person of ordinary skill in the art at the time of the invention to combine teachings of Ferguson and Spilo because downloading of information based upon system resources as taught by Spilo would enhance the efficiency of Ferguson by saving usage of limited system resources.

24. As per claim 26, Ferguson does not explicitly teach said delayed viewing list manager further comprises:

a resource sensitive downloading agent;

said resource sensitive downloading agent monitoring available system resources;

said resource sensitive downloading agent downloading said further hypermedia content to said content cache when system resources are available;

said resource sensitive downloading agent delaying said downloading when said system resources are constrained.

In a similar system, Spilo teaches the concept of a resource sensitive downloading agent (Col. 5, lines 47-52); said resource sensitive downloading agent monitoring available system resources (Col. 5, lines 47-52); said resource sensitive downloading agent downloading said further hypermedia content to a

Art Unit: 2152

content cache when system resources are available (Col. 5, lines 47-55); said resource sensitive downloading agent delaying said downloading when said system resources are constrained (Col. 5, lines 50-55). It would have been obvious to the person of ordinary skill in the art at the time of the invention to combine teachings of Ferguson and Spilo because resource sensitive downloading agent and downloading in accordance with system resources as taught by Spilo would enhance the resource managing capabilities of Ferguson by saving usage of limited system resources.

25. Claims 10, 11, 13, 41, 42, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson, US 2002/0178232, in view of Helfman, US 6,119,135.

26. As per claim 10 and 41, Ferguson does not explicitly teach the method of claims 1 and 32 respectively, wherein said caching step comprises:

configuring a page depth to which said hyperlinks in said hypermedia content associated with said stored hyperlinks can be followed;

downloading said hypermedia content associated with said stored hyperlinks, said downloaded hypermedia content containing additional hyperlinks to further hypermedia documents;

further downloading said further hypermedia documents, said further hypermedia documents containing further hyperlinks to even further hypermedia documents; and,

repeating said further downloading step until reaching said configured page depth.

In a similar system, Helfman teaches the concept of configuring a page depth and the extent to which a downloading of further hyperlinks is followed (Col. 6, lines 43-52). It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Ferguson and Helfman because the teaching of Helfman to configure a depth of link retrieval would improve the latency for Ferguson's system by retrieving link contents at a set level prior to the actual access of the said web content, thus decreasing the retrieval time.

27. As per claims 11 and 42, Ferguson teaches reconfiguring said stored, further and additional hyperlinks to point to associated hypermedia documents stored in said cache (this is inherent, as cache get filled up with content retrieved prior to viewing, the link that is to be activated by the client would then be pointing to the cache for efficient retrieval, this is suggested in [0006]).

28. As per claims 13, 44, Ferguson does not explicitly teach claims 1 and 32 respectively, further comprising adapting said cached hypermedia content for full text searching in a full text search engine. In a similar system, Helfman teaches the concept of cached hypermedia content for full text searching in a full text search engine see for example Col. 6, lines 5-15.

It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Ferguson and Helfman because the teaching of Helfman to allow adapting cached hypermedia content for full text searching in a full text search engine would improve the functionality for Ferguson's system by efficiently retrieving cached link contents, allowing the user to access cached contents at a faster speed.

29. Claims 12 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson, US 2002/0178232, in view of Altschuler et al. (hereinafter Altschuler), US 6,088,718.

30. As per claims 12 and 43, Ferguson does not explicitly teach the method of claims 1 and 32 respectively, wherein said caching step further comprises:

establishing a set of folders having an associated topic; and,

downloading said hypermedia content to selected ones of said set of folders, each folder in said set containing hypermedia content corresponding to a topic associated with said folder.

In a similar system, Altschuler teaches the concept of establishing a set of folders having an associated topic and downloading said hypermedia content to selected ones of said set of folders, each folder in said set

Art Unit: 2152

containing hypermedia content corresponding to a topic associated with said folder, see for example Col. 34, lines 1-14. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Ferguson and Altschuler because the teaching of Altschuler to allow grouping of download sections into categories would improve the latency for Ferguson's system by grouping likely contents together, thus when time comes to utilize cached information, searches in the related categories would decrease the search time to present to the client a faster generated result page, thus dimension reduction is achieved by grouping of similar pre-fetched items in effort to cut down on search time.

31. Claims 3, 4, 23, 34, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson, US 2002/0178232

32. As per claims 3 and 34, Ferguson teaches the method of claims 1 and 32 respectively, wherein said presenting step comprises displaying Web content in a Web browser, said Web content containing hyperlinks to additional Web content ([0006]).

Ferguson does not explicitly teach:

said user selection being responsive to a right click mouse event on the selected hyperlink.

However, it would have been obvious to the person ordinary skill in the art at the time of the invention to implement the right mouse click event in order to access the appropriate menus and commands for storing action.

33. As per claim 23, the claim is rejected for the same reasons as rejection to claim 3 above.

34. As per claim 4 and 35, Ferguson teaches the method of claim 3, wherein said presenting step further comprises playing back multimedia content in a multimedia content player ([0206]).

Conclusion

36. Applicant's remarks filed 04/18/2005 have been considered but are moot in view of the new grounds of rejection necessitated by Applicant's amendment.

THIS ACTION IS MADE FINAL. Applicant is reined of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

37. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "User Specified Parallel Data Fetching For Optimized Web Access".

- i. US 6,199,071 Nielsen.
- ii. WO 00/55741 Siegel.
- iii. EP 0987639 Moreau.

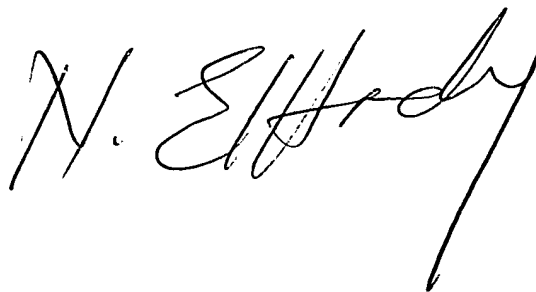
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be reached on M-F 7:15 to 4:30.

Art Unit: 2152

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BURGESS, GLENTON B can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CZ
July 30, 2005

A handwritten signature in black ink, appearing to read "N. E. Hardy". The signature is written in a cursive, flowing style with a long, sweeping tail stroke extending downwards and to the right.